

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference L SX58/mtc/6p	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 98/ 01117	International filing date (day/month/year) 19/02/1998	(Earliest) Priority Date (day/month/year) 21/02/1997
Applicant VLAAMS INTERUNIVERSITAIR INSTITUUT VOORet al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Certain claims were found unsearchable (see Box I).
2. Unity of invention is lacking (see Box II).
3. The international application contains disclosure of a **nucleotide and/or amino acid sequence listing** and the international search was carried out on the basis of the sequence listing
 - filed with the international application.
 - furnished by the applicant separately from the international application,
 - but not accompanied by a statement to the effect that it did not include matter going beyond the disclosure in the international application as filed.
 - Transcribed by this Authority
4. With regard to the **title**,
 - the text is approved as submitted by the applicant
 - the text has been established by this Authority to read as follows:
5. With regard to the **abstract**,
 - the text is approved as submitted by the applicant
 - the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this International Search Report, submit comments to this Authority.
6. The figure of the **drawings** to be published with the abstract is:

Figure No. 1

 - as suggested by the applicant.
 - because the applicant failed to suggest a figure.
 - because this figure better characterizes the invention.
 - None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP 98/01117

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 A01H4/00

According to International Patent Classification(IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A01H

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category ^o	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	VEREECKE, D. ET AL: "Patterns of phenolic compounds in leafy galls of tobacco" PLANTA, vol. 201, no. 3, 1997, pages 342-348, XP002054249 ---	1
A	CRESPI ET AL.: "Fasciation induction by phytopathogen Rhodococcus fascians depends upon a linear plasmid encoding a cytokinin synthase gene" THE EMBRIO JOURNAL, vol. 11, no. 3, 1992, pages 795-804, XP002054250 cited in the application --- -/-	1

 Further documents are listed in the continuation of box C. Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

3 September 1998

10/09/1998

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340 3016

Authorized officer

Fonts Cavestany, A

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 98/01117

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	BALÁZS ET AL.: "Altered levels of Indoleacetic Acid and Cytokinin in Geranium Stems infected with C. fascians" ACTA PHYTOPATHOLOGICA ACADEMIAE SCENTIARUM HUNGARICAE, vol. 9, no. 3-4, 1974, pages 287-292, XP002054251 -----	1

PATENT COOPERATION TREATY

PCT

19

TY	REC'D 28 MAY 1999
WIPO	PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference L SX58/mtc/6p	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP98/01117	International filing date (day/month/year) 19/02/1998	Priority date (day/month/year) 21/02/1997	
International Patent Classification (IPC) or national classification and IPC A01H4/00			
<p>Applicant VLAAMS INTERUNIVERSITAIR INSTITUUT VOORet al.</p>			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 			

Date of submission of the demand 09/09/1998	Date of completion of this report 21.05.99
Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. (+49-89) 2399-0 Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer Bunn, D Telephone No. (+49-89) 2399 2086



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP98/01117

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-15 as originally filed

Claims, No.:

1-8 as originally filed

Drawings, sheets:

1/1 as originally filed

2. The amendments have resulted in the cancellation of:

the description, pages:
 the claims, Nos.:
 the drawings, sheets:

3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP98/01117

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims 1-8
	No: Claims
Inventive step (IS)	Yes: Claims 1-8
	No: Claims
Industrial applicability (IA)	Yes: Claims 1-8
	No: Claims

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP98/01117

V. Reasoned statement

1. The document "Fasciation induction by phytopathogen *Rhodococcus fascians* depends upon a linear plasmid encoding a cytokinin synthase gene" THE EMBO JOURNAL, vol. 11, no. 3, 1992, pp. 795-804, cited in the application, discloses (see p.796, l-h col.) a method according to lines 1-10 of claim 1. The remaining feature of this claim, whereby the leafy galls or shoot outgrow[th]s are isolated, is not suggested by the available prior art, such that claim 1 meets the requirements of Article 33 PCT.

The document "Altered levels of Indoleacetic Acid and Cytokinin in Geranium Stems infected with *C. fascians*" ACTA PHYTOPATHOLOGICA ACADEMIAE SCENTIARUM HUNGARICAE, vol. 9, no. 3-4, 1974, pp. 287-292, concerns natural infection of plant stems, followed by homogenisation of the entire stem.

Although the method disclosed in "Patterns of phenolic compounds in leafy galls of tobacco" PLANTA, vol.201, no.3, 1997, pp. 342-348) corresponds to that of claim 1, this document was published in March 1997, while the present application claims the priority dates of 21/02/97 and 10/03/97. Although the priority documents themselves are not available, it is nevertheless assumed that the priority claimed is valid, such that the abovementioned document must be disregarded as prior art.

2. Claims 2-8 concern preferred embodiments of the method of claim 1, and likewise meet the requirements of Article 33 PCT.

VII. Certain defects

1. To meet the requirements of Rule 6.3(b) PCT, claim 1 should have been drafted in the two-part form with respect to D1.

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

van Someren, Petronella
ARNOLD & SIEDSMA
Sweelinckplein 1
NL-2517 GK The Hague
PAYS-BAS

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

21.05.99

Applicant's or agent's file reference
L SX58/mtc/6p

IMPORTANT NOTIFICATION

International application No.
PCT/EP98/01117

International filing date (day/month/year)
19/02/1998

Priority date (day/month/year)
21/02/1997

Applicant

VLAAMS INTERUNIVERSITAIR INSTITUUT VOORet al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/



European Patent Office
D-80298 Munich
Tel. (+49-89) 2399-0 Tx: 523656 epmu d
Fax: (+49-89) 2399-4465

Authorized officer

Salaün, M

Tel. (+49-89) 2399-2126



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference L SX58/mtc/6p		FOR FURTHER ACTION <i>See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)</i>	
International application No. PCT/EP98/01117	International filing date (day/month/year) 19/02/1998		Priority date (day/month/year) 21/02/1997
International Patent Classification (IPC) or national classification and IPC A01H4/00			
Applicant VLAAMS INTERUNIVERSITAIR INSTITUUT VOORet al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 			

Date of submission of the demand 09/09/1998	Date of completion of this report 21.05.99
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0 Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer Bunn, D Telephone No. (+49-89) 2399 2086



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP98/01117

I. Basis of the report

1. This report has been drawn on the basis of (substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

Description, pages:

1-15 as originally filed

Claims, No.:

1-8 as originally filed

Drawings, sheets:

1/1 as originally filed

2. The amendments have resulted in the cancellation of:

the description, pages:
 the claims, Nos.:
 the drawings, sheets:

3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP98/01117

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N) Yes: Claims 1-8
No: Claims

Inventive step (IS) Yes: Claims 1-8
No: Claims

Industrial applicability (IA) Yes: Claims 1-8
No: Claims

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP98/01117

V. Reasoned statement

1. The document "Fasciation induction by phytopathogen *Rhodococcus fascians* depends upon a linear plasmid encoding a cytokinin synthase gene" THE EMBO JOURNAL, vol. 11, no. 3, 1992, pp. 795-804, cited in the application, discloses (see p.796, l-h col.) a method according to lines 1-10 of claim 1. The remaining feature of this claim, whereby the leafy galls or shoot outgrow[th]s are isolated, is not suggested by the available prior art, such that claim 1 meets the requirements of Article 33 PCT.

The document "Altered levels of Indoleacetic Acid and Cytokinin in Geranium Stems infected with *C. fascians*" ACTA PHYTOPATHOLOGICA ACADEMIAE SCENTIARUM HUNGARICAE, vol. 9, no. 3-4, 1974, pp. 287-292, concerns natural infection of plant stems, followed by homogenisation of the entire stem.

Although the method disclosed in "Patterns of phenolic compounds in leafy galls of tobacco" PLANTA, vol.201, no.3, 1997, pp. 342-348) corresponds to that of claim 1, this document was published in March 1997, while the present application claims the priority dates of 21/02/97 and 10/03/97. Although the priority documents themselves are not available, it is nevertheless assumed that the priority claimed is valid, such that the abovementioned document must be disregarded as prior art.

2. Claims 2-8 concern preferred embodiments of the method of claim 1, and likewise meet the requirements of Article 33 PCT.

VII. Certain defects

1. To meet the requirements of Rule 6.3(b) PCT, claim 1 should have been drafted in the two-part form with respect to D1.

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION
(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark
Office
(Box PCT)
Crystal Plaza 2
Washington, DC 20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 05 October 1998 (05.10.98)	
International application No. PCT/EP98/01117	Applicant's or agent's file reference L SX58/mtc/6p
International filing date (day/month/year) 19 February 1998 (19.02.98)	Priority date (day/month/year) 21 February 1997 (21.02.97)
Applicant GOETHALS, Koenraad, Hilaire, Maria et al	

1. The designated Office is hereby notified of its election made:

in the demand filed with the International Preliminary Examining Authority on:

09 September 1998 (09.09.98)

in a notice effecting later election filed with the International Bureau on:

2. The election was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer S. Cruz Telephone No.: (41-22) 338.83.38
---	---